



An Bille um Fhiadhúlra (Leasú), 2016
Wildlife (Amendment) Bill 2016

Meabhrán Mínitheach
Explanatory Memorandum



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WILDLIFE (AMENDMENT) BILL 2016**

EXPLANATORY MEMORANDUM

Background

The purpose of the Bill is to provide for the implementation of a reconfiguration of the Raised Bog Natural Heritage Area Network arising from (i) the proposals from the Review of Raised Bog Natural Heritage Area Network published in January 2014; (ii) an assessment including public consultation of the effects on the environment of the proposals arising from the Review, under the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004) and, if required, any other screening for an assessment or as the case may be, assessment, including public consultation undertaken and (iii) observations or submissions received during the course of public consultation.

Purpose of the Bill

The Bill provides for review of raised bog habitats, making, amendment and revocation of natural heritage area orders and for those purposes to amend the Wildlife (Amendment) Act 2000.

Provisions of the Bill

The Bill contains five sections.

Section 1 is a standard provision providing a definition of the “Act of 2000”.

Section 2 amends Section 16(1) of the Act of 2000 by the insertion of “, or is satisfied under section 18A(4)(a) that a natural heritage area order should be made,” after “area” where it first occurs.

Section 3 amends section 18 of the Wildlife (Amendment) Act 2000 by the insertion of “under this section” in section 18(4) after “amend or revoke”.

Section 4 amends the Wildlife (Amendment) Act 2000 by the insertion of a new section 18A after section 18:

Section 18A(1) provides for the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs to continue to conduct and complete the review, known for the time being as the 2014 Review of Raised Bog Natural Heritage Area Network, of raised bog habitats.

Section 18A(2) refers to the purposes of the review.

Section 18A(3) provides that the Minister shall, in relation to the effects on the environment of the proposals arising from the review, (a) carry out an assessment, including public consultation, under the

European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004) and (b), if required, carry out any other screening for an assessment or as the case may be, assessment, including public consultation.

Section 18A(4) sets out that on the completion of the review, having considered the proposals arising from it and having had regard to the assessment and any other screening for assessment or assessment undertaken and observations or submissions received during the public consultation, the Minister shall do one or more of the following:

(a) where he or she is satisfied that a natural heritage area order should be made, publish under section 16 of the Wildlife (Amendment) Act 2000 a notice of his or her intention to make the natural heritage area order;

(b) notwithstanding section 18(3) of the Wildlife (Amendment) Act 2000, where he or she is satisfied that land should cease to be designated as a natural heritage area, make an order to amend or revoke the natural heritage area order which so designated the land.

Section 18A(5) states that where the Minister makes an order to amend or revoke a natural heritage area order which designated the land as a natural heritage area, he or she will place an advertisement in at least one newspaper circulating in the locality concerned to inform the public of the making of the natural heritage area order and cause a copy of the order to be sent to (i) defined owners or occupiers of land (ii) defined holders of valid prospecting or exploration licences and (iii) Ministers of the Government and various public authorities.

Section 18A(6) clarifies that amendment or revocation of a natural heritage area order means that the land in question (or the part of the land in question) ceases to be designated as a natural heritage area and restrictions relating to a natural heritage area, arising from section 19(2) of the Wildlife (Amendment) Act 2000, are fully removed.

Section 18A(7) sets out definitions for “environmental criteria”, “habitat”, and “restoration potential” in section 18A.

Section 5 sets out the short title and commencement.

*An Roinn Ealaíon, Oidhreachta, Gnóthaí Réigiúnacha, Tuaithe agus Gaeltachta,
Iúil, 2016.*